

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SDB INTERNATIONAL, L.P.,

Plaintiff,

VS.

OLDENDORFF CARRIERS GMBH & CO.

KG, *et al.*,

Defendants.

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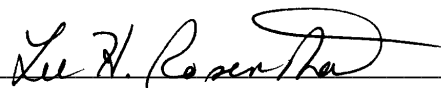
CIVIL ACTION NO. H-09-3391

ORDER

Pending before the court is plaintiff's motion for default judgment against defendant Xxcell Freight Systems, Inc. (Docket Entry No. 22). The motion establishes that this defendant has failed to plead or defend this action. No default judgment may be rendered unless a default has been entered under Rule 55(a) and until the damages have been liquidated. Accordingly, it is ordered that default be entered against defendant Xxcell Freight Systems, Inc. under Rule 55(a). Secondly, it is ordered that no later than **April 9, 2010**, the plaintiff, SDB International, L.P., must:

- a. move for judgment by default, certifying the notice to the defendant;
- b. submit affidavits with supporting documentation of plaintiff's damages, including a self-explanatory computation of any prejudgment interest sought; and
- c. submit affidavit evidence on any attorney's fees sought, including a precise explanation of reasonable charges for the necessary service in prosecution of this case.

SIGNED on February 9, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge